

**RULES
OF
TENNESSEE REGULATORY AUTHORITY
DIVISION OF PRACTICE AND PROCEDURE**

**CHAPTER 1220-1-1
RULES AND REGULATIONS OF PRACTICE AND PROCEDURE**

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1220-1-1-.01 DEFINITIONS.

- (1) Any term used in these rules that has been defined by statute shall have the meaning given the term in that particular statute.
- (2) Any term defined in a chapter of these rules shall have the meaning as therein provided for the purposes of that chapter.
- (3) In addition, for the purpose of these rules generally, the following terms shall have the following meanings, unless the context clearly requires otherwise:
 - (a) “Authority,” when used to refer to an agency of the State of Tennessee, means the Tennessee Regulatory Authority.
 - (b) “Hearing Officer” includes “Hearing Examiner,” as defined in T.C.A. § 65-2-111; “Administrative Judge,” as defined in T.C.A. § 4-5-102(1); and “Hearing Officer,” as defined in T.C.A. § 4-5-102(4).
 - (c) “Company” means any person subject to the regulatory jurisdiction of the Authority.
 - (d) “Customer” means any person receiving services or goods from any company subject to the regulatory jurisdiction of the Authority.
 - (e) “Authority Conference” means a “meeting” as that term is defined in T.C.A. § 8-44-102(b)(2).
 - (f) “Person” means an individual or any form of organization recognized by law as an entity.
 - (g) “Proprietary information” means documents and information in whatever form which, pursuant to a protective order in a contested case, have been specifically designated by the producing party as proprietary information and which the producing party in good faith deems to contain or constitute trade secrets, confidential research or development or commercially sensitive information.
 - (h) “These rules” means Chapters 1 through 4 of Rules 1220-1, including any subsequent amendments thereto.
 - (i) “Written” and “writing” includes printing, typewriting, or any other intentional reduction to readable form.

(Rule 1220-1-1-.01, continued)

- (j) “Electronic Document” means any documents created in digital format on a computer, in a format compatible with software in use by the Authority, and transmitted to the Authority via floppy disks, zip disks, cd-rom, e-mail or other electronic means.

Authority: T.C.A. §65-2-102. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000.

1220-1-1-.02 APPLICABILITY.

Except as may be otherwise expressly provided either by these rules or by governing statutes, these rules shall apply to contested cases and Authority Conferences. These rules apply to arbitration proceedings held pursuant to 47 U.S.C. § 252 (The Federal Telecommunications Act) unless otherwise specified. These rules do not apply to matters pertaining to the internal organization and functioning of the Authority.

Authority: T.C.A. §§4-5-102, 65-2-102, 65-2-108, 65-4-101, and 65-4-104. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000.

1220-1-1-.03 GENERAL FILING PROCEDURES.

- (1) All documents filed with the Authority shall be filed in the office of the Chair of the Authority, who is responsible for maintaining the official records of the Authority.
- (2) All documents filed in a formal proceeding shall contain a caption stating the style of the proceeding, the docket number unless no docket number has been assigned at the time of filing, and the date and title of the document being filed. All documents filed shall be signed by the party filing the same, or by that party’s counsel. Where service is required, all documents filed shall contain a certificate, signed by the person responsible for service, confirming that service has been made on the persons there shown by the means there shown.
- (3) Upon receipt in the office of the Chair of the Authority, all documents shall be stamped on the first page thereof to show the date and time of filing. Persons submitting documents for filing may request, and the Chair of the Authority’s office shall provide, a copy stamped to show the date and time of filing, to be returned to that person, either in person or by mail in a postage prepaid, self-addressed envelope furnished for that purpose.
- (4) Unless otherwise provided in these rules with respect to a particular category of proceeding, a written original and four (4) written copies of all electronic documents or an unbound, one sided original and thirteen (13) copies of all written documents shall be filed with the Chair of the Authority. The original shall be retained in the official files.
- (5)
 - (a) All documents filed with the Chair of the Authority must be on 8 1/2” x 11” paper where possible. Any physical exhibits, other than those submitted on 8 1/2” x 11” paper, must be accompanied by a copy of the exhibit or a description and explanation of the exhibit on 8 1/2” x 11” paper.
 - (b) All electronic documents shall be in a format compatible with software in use by the Authority, and shall be transmitted to the Authority via floppy disks, zip disks, cd-rom, e-mail or other electronic means.
- (6) The Chair of the Authority may refuse to accept any document which does not comply with these rules or with respect to which the required fees or charges have not been tendered.
- (7) Documents may be submitted by first class mail, certified or registered return receipt mail, hand delivery or overnight receipt courier and must be filed in the Office of the Chair of the Authority within the time fixed for filing. Documents may also be submitted by authorized electronic means or

(Rule 1220-1-1-.03, continued)

facsimile and when so submitted an original and the requisite number of written copies shall follow and be postmarked within the time fixed for filing.

- (8) Parties in a contested case in which a protective order has been entered who seek to file information which they deem proprietary shall file with the Authority requisite copies of said information in a sealed envelope clearly marked “proprietary information,” and otherwise in accordance with the terms of the protective order. The provisions of this rule shall not abridge the right of any other party to contest the proprietary status of such information. Further, the Authority and its staff shall have the right to review said proprietary information for the purpose for which it was submitted.

Authority: T.C.A. §§65-1-204, 65-1-209, 65-2-102, and 65-2-103. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Editorial changes made by the Secretary of State pursuant to Public Chapter 826 of 2002 by replacing Executive Secretary with Chair of the Authority; effective March 28, 2003.

1220-1-1-.04 DOCKETING AND FILING FEES.

- (1) Upon the filing of the document initiating any category of formal proceeding under these rules and the tendering of the requisite fees, the proceeding will be assigned a docket number, which shall be used to identify all documents and exhibits filed in that proceeding.
- (2) The Chair of the Authority shall charge and collect all filing fees required by law.
- (3) For the purposes of the filing fee for “petitions” authorized by T.C.A. § 65-2-103, “petitions” shall include any initial filing, however denominated, which seeks action by the Authority and which is not otherwise covered by an express statutory provision or a provision of these rules or other rules of the Authority.

Authority: T.C.A. §§65-1-204, 65-1-209, and 65-2-102. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Editorial changes made by the Secretary of State pursuant to Public Chapter 826 of 2002 by replacing Executive Secretary with Chair of the Authority; effective March 28, 2003.

1220-1-1-.05 WAIVER OF RULES.

- (1) For good cause, including expediting the disposition of any matter, the Authority may waive the requirements or provisions of any of these rules in a particular proceeding, on motion of a party or on its own motion, except when a rule embodies a statutory requirement. The Authority shall state the basis of any such waiver and may impose conditions or limitations consistent with the basis for the construction of these rules.
- (2) A party may waive the benefits or rights of that party expressed in any rule, but may not waive the fulfillment of any duty.

Authority: T.C.A. §65-2-102. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000.

1220-1-1-.06 HEARINGS AND AUTHORITY CONFERENCES.

- (1) All contested case hearings, public hearings under rulemaking and any other hearings pursuant to these rules shall be held at the offices of the Authority in Nashville, Tennessee at such dates and times as may be set in the official notice of hearing or as may be set by order of the Authority.
- (2) Scheduled and special Authority Conferences shall be held at the offices of the Authority in Nashville, Tennessee at such dates and times as the Authority may direct. The Authority may schedule regular, periodic dates for Authority Conferences, which may be rescheduled by the Authority, and any special meetings at such places, dates and times as the Authority may direct.

(Rule 1220-1-1-.06, continued)

- (3) On its own motion or on the motion of any party, the Authority may fix the place, date and time of any hearing as it deems appropriate.

Authority: T.C.A. §§65-1-203, 65-2-102, and 65-2-108. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000.

1220-1-1-.07 REQUESTS FOR PUBLIC INFORMATION AND COPYING CHARGES.

- (1) The Chair of the Authority, as the custodian of the public records of the Authority, shall accept requests for public information and copies of public documents and retain such requests in the files of the Authority.
- (2) The Chair of the Authority shall charge the same fees that are charged by the Secretary of State for producing copies.

Authority: T.C.A. §§65-1-212 and 65-2-102. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Editorial changes made by the Secretary of State pursuant to Public Chapter 826 of 2002 by replacing Executive Secretary with Chair of the Authority; effective March 28, 2003.

1220-1-1-.08 PETITION FOR ACTION NOT OTHERWISE COVERED.

Any person seeking permission to take some action not otherwise covered by these rules may file a petition setting forth the nature of the relief sought, the jurisdiction of the Authority to grant such relief, and the grounds for granting that relief. Where any such petition seeks relief against or otherwise involves the rights or duties of any other person, the petitioner shall serve a copy of the petition on such other person. Promptly after the receipt of any such petition, the Authority shall decide whether it has jurisdiction to entertain the petition and whether the petition should be disposed of pursuant to some procedure specifically covered by these rules and, if not, what procedure should be followed. An appropriate order shall be entered accordingly.

Authority: T.C.A. §65-2-102. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000.

1220-1-1-.09 REQUIRED NOTICES TO THE AUTHORITY.

Each company regulated by the Authority shall furnish the Chair of the Authority with the name and address of the individual or office to receive notices from the Authority. Each company shall be responsible for making certain that such information is kept current, by promptly notifying the Chair of the Authority in writing as to the effective date of any changes.

Authority: T.C.A. §§65-2-102 and 65-2-103. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Editorial changes made by the Secretary of State pursuant to Public Chapter 826 of 2002 by replacing Executive Secretary with Chair of the Authority; effective March 28, 2003.

1220-1-1-.10 SERVICE.

- (1) Unless these rules otherwise provide, or the Authority or a Hearing Officer otherwise orders, all filings made in any formal proceeding, including all notices and orders, shall be served on each of the parties to that proceeding.
- (2) Whenever under these rules, service is required or permitted to be made upon a party represented by counsel, service shall be made upon such counsel, unless service upon the party is ordered by the Authority. Service upon counsel or upon a party shall be made by delivering to the office of such person a copy of the document to be served, or by mailing it to such person's address as shown on a

(Rule 1220-1-1-.10, continued)

mailing or service list furnished by the Chair of the Authority. Service upon all parties of record shall be made in the same manner. Service by first class mail is complete upon mailing.

Authority: T.C.A. §65-2-102. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Editorial changes made by the Secretary of State pursuant to Public Chapter 826 of 2002 by replacing Executive Secretary with Chair of the Authority; effective March 28, 2003.

1220-1-1-.11 TIME.

- (1) In computing any period of time, the date of the act or of the event after which the designated period of time begins to run is not to be included. The last day of the period as computed is to be included unless it is a Saturday, Sunday, legal holiday or day when the office of the Chair of Authority is closed, in which event the period runs until the end of the next day which is not a Saturday, Sunday, legal holiday or day when the office of the Chair of the Authority is closed. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be excluded from the computation. However, when the time is fixed by statute, the time shall be computed as provided in T.C.A. § 1-3-102. Any filing required by the Authority by a date certain shall be filed in the office of the Chair of the Authority by 2:00 p.m. on that date.
- (2) When by these rules, or by a notice given, or by any order entered in a formal proceeding, an act is required or allowed to be done in a formal proceeding or within a specified time, the Authority or a Hearing Officer for cause shown may at any time:
 - (a) extend such specified time without motion or notice;
 - (b) order the period enlarged, if a motion is filed before the expiration of the period originally prescribed or as extended by a previous order; or
 - (c) upon motion after the expiration of the specified period, permit the act to be done where failure to act was the result of excusable neglect; but the time may not be extended for taking any action when that time is fixed by statute.

Authority: T.C.A. §65-2-102. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Editorial changes made by the Secretary of State pursuant to Public Chapter 826 of 2002 by replacing Executive Secretary with Chair of the Authority; effective March 28, 2003.